

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:04CR3146
)	
v.)	
)	
BRENDA DENISE BERG,)	MEMORANDUM AND ORDER
)	
Defendant.)	
_____)	

The defendant appeared before me today and admitted that she violated her conditions of supervised release.¹ She also indicated that she suffers from untreated breast cancer and has suffered from that disease for several years. She further advised that she was recently seen in Montana for the breast cancer, and the doctors advised some sort of treatment although it is unclear what was recommended. Under the circumstances, I need to know the present medical condition of the defendant before I sentence her. With the agreement of counsel and the defendant,

IT IS ORDERED that:

1. The United States Bureau of Prisons shall designate a facility at which the defendant shall be examined pursuant to this order. Upon such designation, the defendant, who is in custody, shall be transported to the place designated by the Bureau of Prisons by the U.S. Marshal. The defendant shall remain at the facility until released to the U.S. Marshal for return to Nebraska.
2. Pursuant to 18 U.S.C. § 3552(b), the Bureau of Prisons shall evaluate the defendant and advise me in writing regarding the following

¹She admitted allegations 7 and 9 of the Amended Petition (filing no. 45) and the remaining allegations were dismissed without prejudice. She also faces state felony criminal charges in Montana.

matters: (a) the defendant's present medical status limited to the defendant's assertion that she suffers from breast cancer; (b) if the defendant suffers from breast cancer, the nature and extent of the cancer; (c) if the defendant suffers from breast cancer, a prognosis; (d) any other related matters that the Bureau of Prisons or professional consultants believe are pertinent to the report or the factors set out in 18 U.S.C. § 3553(a) or otherwise. Unless extended by a subsequent order, the evaluation shall be submitted to the court and counsel within 60 days of the defendant being delivered to the medical center.

3. The probation officer assigned to this case (USPO Jeff Aurich) is requested to facilitate the implementation of this order and coordinate this case with the Bureau of Prisons. The probation officer shall provide the designated facility with all materials the officer believes will assist the facility. The probation officer shall attempt to gather and provide to the Bureau of Prison all relevant medical records.

4. My chambers shall provide a copy of this memorandum and order to the probation officer. The Clerk shall provide a copy of this memorandum and order to the United States Marshals Service.

5. This matter is continued until further order of the court. My chambers will calendar this matter for internal review no later than 90 days from this date.

6. Upon receipt of the written report from the Bureau of Prison, I will give the parties an opportunity to respond to the report and then I will set the matter for hearing.

October 19, 2011.

BY THE COURT:

Richard G. Kopf
United States District Judge